



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

October 04, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF AMENDMENT NUMBER FOUR TO THE ANNEXATION AGREEMENT BETWEEN
THE CITY OF COMMERCE AND THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS
ANGELES COUNTY
(1st DISTRICT) (3 VOTES)**

SUBJECT

The Consolidated Fire Protection District (Fire District) is requesting approval of Amendment Number Four to the Annexation Agreement between the City of Commerce and the Consolidated Fire Protection District of Los Angeles County, which would extend the existing Agreement term an additional five (5) years.

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE
CONSOLIDATED FIRE PROTECTION DISTRICT:**

1. Find that this Amendment Number Four to the Annexation Agreement between the City of Commerce and the Fire District is exempt from the California Environmental Quality Act.
2. Approve and instruct the Chair of the Board to sign Amendment Number Four between the City of Commerce and the Fire District extending the Annexation Agreement term for a minimum five-year term effective upon approval by the Board.

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

41 October 4, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Fire District provides fire protection and emergency medical services to the City of Commerce (City) pursuant to an Annexation Agreement (No. 51258 dated December 10, 1985), as amended on November 1, 1988, August 20, 1996, and February 8, 2005. The Annexation Agreement is effective until it is terminated or renegotiated; however, the City has requested the Annexation Agreement be amended to formally extend its term for an additional five years. No other terms are being amended.

A long-term agreement will benefit not only the residents of the City of Commerce, but the surrounding Fire District communities as well.

Implementation of Strategic Plan Goals

Approval of the Amendment is consistent with Los Angeles County Strategic Plan Goal No.1, Operational Effectiveness, to maximize the effectiveness of the County's processes, structure, and operations to support timely delivery of customer-oriented and efficient public services.

FISCAL IMPACT/FINANCING

Amendment Number Four is an extension of the existing Annexation Agreement for a minimum of five years. Therefore, there will be no impact to net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Annexation Agreement was approved by your Board on December 10, 1985 (Agreement No. 51258), and was subsequently amended on November 1, 1988, August 20, 1996, and February 8, 2005.

The City Council of the City of Commerce approved Amendment Number Four on June 28, 2011.

County Counsel has approved the resolution as to form.

ENVIRONMENTAL DOCUMENTATION

This Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that this activity will not have a significant effect on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

No staffing changes will occur as a result of this Amendment. Therefore, there will be no impact on current services.

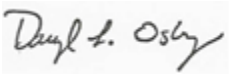
CONCLUSION

Upon adoption by your Honorable Board, please instruct the Executive Officer, Clerk of the Board to return two (2) copies of this approved letter, one (1) executed original Amendment Agreement and two (2) copies of the executed Amendment Agreement to:

Consolidated Fire Protection District of Los Angeles County
Planning Division
1320 N. Eastern Avenue
Los Angeles, CA 90063
Attention: Debbie Aguirre, Division Chief

The Fire District will return one original Agreement to the City for their records.

Respectfully submitted,



DARYL L. OSBY
FIRE CHIEF, FORESTER & FIRE WARDEN

DLO:ml

Enclosures

c: Chief Executive Officer
County Counsel
Auditor-Controller

1 **AMENDMENT NUMBER FOUR TO THE ANNEXATION AGREEMENT**
2 **BETWEEN THE CITY OF COMMERCE AND THE**
3 **CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY**
4

5 This Amendment Number Four ("Amendment") to the Annexation Agreement,
6 County of Los Angeles Board of Supervisors' Agreement No. 51258 ("Agreement"), entered
7 into on December 10, 1985, between the City of Commerce ("CITY") and the Consolidated
8 Fire Protection District of Los Angeles County ("DISTRICT"), is made and entered into this
9 4th day of October, 2011, by and between the CITY and DISTRICT.
10

11 **W I T N E S S E T H**

12 **WHEREAS**, the CITY and the DISTRICT entered into the above-referenced
13 Agreement pursuant to which the DISTRICT provides fire protection, emergency medical,
14 and related services to the CITY; and

15 **WHEREAS**, the Agreement has been amended on November 1, 1988,
16 August 20, 1996, and February 8, 2005; and

17 **WHEREAS**, the initial 10-year term of the Agreement was extended by Amendment
18 Number Two on August 20, 1996 and again by Amendment Number Three on February 8,
19 2005; and

20 **WHEREAS**, the CITY and the DISTRICT mutually desire to further amend the
21 Agreement to extend the term of the Agreement, as amended, for a minimum of five (5)
22 years in accordance with the terms provided herein (hereinafter the Agreement, as
23 amended, and this Amendment Number Four shall be collectively referred to as the
24 "ANNEXATION AGREEMENT").

25 **NOW, THEREFORE, IN CONSIDERATION** of the promises, covenants,
26 representations, and agreements set forth herein, the parties mutually agree as follows:

27 **I. EXTENSION AND TERMINATION OF AGREEMENT**

28 A. The ANNEXATION AGREEMENT shall be extended for an additional five (5) year

period commencing and effective on the date this Amendment Number Four is fully executed by both parties (effective date). After the extended five-year term of this ANNEXATION AGREEMENT, either party may terminate the ANNEXATION AGREEMENT upon 180 days' prior written notice to the other. If neither party gives the required notice to terminate, the ANNEXATION AGREEMENT shall automatically renew each year for another one-year term, subject to either party's right to terminate with 180 days notice.

- B. If either party desires to renegotiate the ANNEXATION AGREEMENT, either party shall give written notice to the other party at any time after the expiration of the extended 5-year term of this ANNEXATION AGREEMENT. Both parties shall act in good faith and fair dealing to renegotiate the terms and to cost-effectively control the costs of the CITY's annual fee paid to DISTRICT taking into account all circumstances at that time as mutually agreed to by both parties.

II. CONFLICT OF PROVISIONS

Section IV., CONFLICT OF PROVISIONS (as set forth in Amendment Number Two), is amended to read as follows:

- A. In the event the provisions in this Amendment Number Four conflict with the provisions in the Agreement, as previously amended, the terms of this Amendment Number Four shall take precedence and supersede the conflicting terms of the Agreement or any prior amendment. Otherwise, all other Terms and Conditions of the Agreement, as previously amended, shall remain in full force and effect.

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1 IN WITNESS WHEREOF, the City of Commerce has caused this Amendment
2 Number Four to the Annexation Agreement to be executed by its duly authorized officer; and
3 the Board of Supervisors of the County of Los Angeles, as the governing body of the
4 Consolidated Fire Protection District of Los Angeles County, has caused this Amendment
5 Number Four to the Annexation Agreement to be executed by its Chair and attested by its
6 Clerk on the day, month, and year noted herein below.

7
8 CITY OF COMMERCE

CONSOLIDATED FIRE PROTECTION

DISTRICT OF LOS ANGELES COUNTY

9
10
11 By *Joe Aguilar*

12 Joe Aguilar, Mayor

By *Mike Antonovich*

Mayor, Board of Supervisors

13
14
15 ATTEST:



ATTEST:

SACHI A. HAMAI, Executive Officer
Clerk of the Board of Supervisors

16
17
18
19 By *Linda Kay Olivieri*

20 Linda Kay Olivieri, MMC
21 City Clerk

By *Sachelle Smitherman*

Deputy

22 APPROVED AS TO FORM:

APPROVED AS TO FORM:

23 ANDREA ORDIN
24 County Counsel

25 By *Eduardo Olivo*

26 Eduardo Olivo, City Attorney

By *Sachi A. Hamai*

Deputy

27 F:\Commerce\Agmt Amendment No 4 (xx-xx-2011)
28 hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By *Sachelle Smitherman*

Deputy



ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

41

OCT 4 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

51258

Supplement No. 4